

## REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-8, 10, and 12-15 are pending in the application, with claim 1 being independent. Applicant amends claim 1 to further clarify features of the claimed subject matter. The original specification and drawings support the claim amendment, for example, see page 14, lines 10-15. Therefore, claims 1-8, 10, and 12-15 are presented and directed to subject matter of the original disclosure.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 103 A. AND B.

A.     **Claims 1, 2, 4-8, 10, and 12-15** stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. 2003/0167318 to Robbin et al (hereinafter “Robbin”) in view of U.S. Patent No. 7,203,952 to Broadus and in further view of U.S. Patent Application No. 2002/0010759 to Hitson et al. (hereinafter “Hitson”). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejection, and only to advance the prosecution of this application, Applicant amends **independent claim 1** to further clarify features of the claimed subject matter. Amended claim 1 now recites a computer-readable medium comprising stored computer-executable instructions that perform the following when executed by a computer (emphasis added):

receiving a request to perform a media operation  
with respect to a media file, wherein the receiving is through  
a user interface, *wherein the user interface is a universal  
user interface permitting access to a first stream from a*

*first media provider and a second stream form a second media provider;*

determining a media provider from the plurality of media providers to which the media file is attributable;

assessing if the media provider allows the media operation to be performed with respect to the media file;

performing the requested media operation if allowed by the media provider; and

denying the requested media operation if not allowed by the media provider.

Applicant respectfully submits that the Office has failed to show that such a computer-readable medium is disclosed, taught, or suggested by Robbins, Broadus and/or Hitson.

#### **References Fail to Teach or Suggest Claimed Computer-Readable Medium**

Applicant agrees with the Office that Robbins fails to teach the media provider is among a plurality of media providers. *See* Office Action, page 3. Applicant also agrees with the Office that Robbins fails to teach denying the requested media operation if not allowed by the media provider. *See*, Office Action, page 3.

However, Applicant submits that Broadus and Hitson fail to compensate for the deficiencies of Robbins. For example, Broadus is directed to a system, method, and user interface for displaying a completion status indicator for one or more media programs within an Electronic Program Guide. *See*, Col. 2, lines 25-31. Hitson also fails to compensate for the deficiencies of Robbins. For example, Hitson is directed to a system and method which allows multimedia content to be delivered. *See*, Abstract. Users may

indicate a preference for a particular type or types, and content may be chosen based on user preferences. *Id.*

In contrast, Applicant's amended claim 1 recites *"receiving a request to perform a media operation with respect to a media file, wherein the receiving is through a user interface, wherein the user interface is a universal user interface permitting access to a first stream from a first media provider and a second stream from a second media provider."*

Thus, Robbin, Broadus, and Hitson, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under § 103 and respectfully requests that the § 103 rejection be withdrawn.

**Claims 2, 4-8, 10, and 12-15** depend directly or indirectly from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant also respectfully requests individual consideration of each dependent claim.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests that the § 103 rejection of these claims should be withdrawn.

**B. Claim 3** stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application No. 2003/0167318 to Robbin et al (hereinafter "Robbin") in view of U.S. Patent No. 7,203,952 to Broadus and in further view of U.S. Patent Application

No. 2002/0010759 to Hitson et al. (hereinafter “Hitson”) and in further view of U.S. Patent Application No. 2004/0248561 to Nykanen et al. (hereinafter Nykanen). Applicant respectfully traverses the rejection.

**Dependent claim 3** recites *“the computer-readable medium of claim 1, wherein the determining is performed by finding a unique identifier associated with the media provider that is within a header of the media file.”*

### **Fail to Teach or Suggest the Claimed Subject Matter**

As explained above, Applicant submits that Robbin, Broadus, and/or Hitson fail to disclose, teach, or suggest the features of independent claim 1. **Dependent claim 3** depends directly from independent claim 1 and is allowable by virtue of this dependency. This dependent claim is also allowable for its own recited features that, in combination with those recited in claim 1, is not disclosed, taught, or suggested by Robbin, Broadus, and/or Hitson.

Nykanen fails to compensate for the deficiencies of Robbin. Rather, Nykanen is directed to a system, method, and apparatus that enables an end user of a mobile terminal to establish a primary content channel having primary content feedback provided via a path. *See*, Abstract. In response, a user interface logic block detects the primary content channel selection and queries a media channel controller for secondary content channel selections that may be instantiated in response to the primary content channel selection.

Thus, Robbin, Broadus, Hitson, and Nykanen alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits

that the evidence relied upon by the Office does not support the rejections made under § 103 and respectfully requests that the § 103 rejection be withdrawn.

CONCLUSION

Claims 1-8, 10, and 12-15 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

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